

by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, between lines 9 and 10, insert the following:

#### TITLE VIII—INFANT CRIB SAFETY

##### SEC. 801. SHORT TITLE.

This title may be cited as the "Infant Crib Safety Act".

##### SEC. 802. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The disability and death of infants resulting from injuries sustained in crib incidents are a serious threat to the public health, welfare, and safety of people of this country.

(2) The design and construction of a baby crib must ensure that it is safe to leave an infant unattended for extended periods of time. A parent or caregiver has a right to believe that the crib in use is a safe place to leave an infant.

(3) Each year more than 12,000 children ages 2 and under are injured in cribs seriously enough to require hospital treatment.

(4) Each year at least 50 children ages 2 and under die from injuries sustained in cribs.

(5) The United States Consumer Product Safety Commission estimates that the cost to society resulting from deaths due to cribs is at least \$225,000,000 per year.

(6) Secondhand, hand-me-down, and heirloom cribs pose a special problem. There are nearly 4 million infants born in this country each year, but only one million new cribs sold. As many as 2 out of 4 infants are placed in secondhand, hand-me-down, or heirloom cribs.

(7) Most crib deaths occur in secondhand, hand-me-down, or heirloom cribs.

(8) Existing State and Federal legislation is inadequate to deal with the hazard presented by secondhand, hand-me-down, or heirloom cribs.

(9) Prohibiting the contracting to sell, resell, lease, sublease of unsafe cribs that are not new, or otherwise place in the stream of commerce unsafe secondhand, hand-me-down, or heirloom cribs, will prevent injuries and deaths caused by cribs.

(b) PURPOSE.—The purpose of this title is to prevent the occurrence of injuries and deaths to infants as a result of unsafe cribs by making it illegal—

(1) to manufacture, sell, or contract to sell any crib that is unsafe for any infant using it; or

(2) to resell, lease, sublet, or otherwise place in the stream of commerce, after the effective date of this Act, any unsafe crib, particularly any unsafe secondhand, hand-me-down, or heirloom crib.

##### SEC. 803. DEFINITIONS.

As used in this title:

(1) COMMERCIAL USER.—The term "commercial user" means any person—

(A) who manufactures, sells, or contracts to sell full-size cribs or nonfull-size cribs; or

(B) who—

(i) deals in full-size or nonfull-size cribs that are not new or who otherwise by one's occupation holds oneself out as having knowledge or skill peculiar to full-size cribs or nonfull-size cribs, including child care facilities and family child care homes; or

(ii) is in the business of contracting to sell or resell, lease, sublet, or otherwise placing

in the stream of commerce full-size cribs or nonfull-size cribs that are not new.

(2) CRIB.—The term "crib" means a full-size crib or nonfull-size crib.

(3) FULL-SIZE CRIB.—The term "full-size crib" means a full-size baby crib as defined in section 1508.1 of title 16 of the Code of Federal Regulations.

(4) INFANT.—The term "infant" means any person less than 35 inches tall or less than 2 years of age.

(5) NONFULL-SIZE CRIB.—The term "nonfull-size crib" means a nonfull-size baby crib as defined in section 1509.2(b) of title 16 of the Code of Federal Regulations (including a portable crib and a crib-pen described in paragraph (2) of subsection (b) of that section).

##### SEC. 804. PROHIBITIONS.

(a) IN GENERAL.—It shall be unlawful for any commercial user—

(1) to manufacture, sell, or contract to sell, any full-size crib or nonfull-size crib that is unsafe for any infant using it; or

(2) to sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, any full-size or nonfull-size crib that is not new and that is unsafe for any infant using the crib.

(b) LODGINGS.—It shall be unlawful for any hotel, motel, or similar transient lodging facility to offer or provide for use or otherwise place in the stream of commerce, on or after the effective date of this title, any full-size crib or nonfull-size crib that is unsafe for any infant using it.

##### SEC. 805. CRIB STANDARDS.

A crib shall be presumed to be unsafe under this title if it does not conform to all of the following:

(1) Part 1508 (commencing with section 1508.1) of title 16 of the Code of Federal Regulations.

(2) Part 1509 (commencing with section 1509.1) of title 16 of the Code of Federal Regulations.

(3) Part 1303 (commencing with section 1303.1) of title 16 of the Code of Federal Regulations.

(4) American Society for Testing Materials Voluntary Standard F406.

(5) American Society for Testing Materials Voluntary Standards F966.

(6) American Society for Testing Materials Voluntary Standards F1169.

(7) American Society for Testing Materials Voluntary Standards F1822.

(8) Any regulations or standards that are adopted in order to amend or supplement the regulations described in paragraphs (1) through (7).

##### SEC. 806. EXCEPTIONS.

This title shall not apply to a full-size crib or nonfull-size crib that is not intended for use by an infant, including a toy or display item, if at the time it is manufactured, made subject to a contract to sell or resell, leased, sublet, or otherwise placed in the stream of commerce, as applicable, it is accompanied by a notice to be furnished by each commercial user declaring that the crib is not intended to be used for an infant and is dangerous to use for an infant.

##### SEC. 807. ENFORCEMENT.

(a) CIVIL PENALTY.—Any commercial user, hotel, motel, or similar transient lodging facility that knowingly violates section 804 is subject to a civil penalty not exceeding \$1,000.

(b) INJUNCTION.—Any person may bring an action in a district court of the United States against any commercial user, hotel, motel, or similar transient lodging facility

to enjoin any act or omission that violates section 804, and for reasonable attorneys fees and costs incurred in bringing the action.

##### SEC. 808. REMEDIES.

Penalties or other remedies available under this title are in addition to any other fines, penalties, remedies, or procedures under any other provision of law.

##### SEC. 809. EFFECTIVE DATE.

This title shall become effective 90 days after the date of the enactment of this Act.

**SA 1545.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 20, after the colon insert the following: "Provided further, That, of the amount appropriated under this heading, \$67,000,000 shall be transferred to the Immigration Services and Infrastructure Improvements Account under section 204 of the Immigration Services and Infrastructure Improvements Act of 2000 (U.S.C. 1573), to be used for the same purposes for which funds in such account may be used and to remain available until expended:"

**SA 1546.** Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 5, after "Act" insert " , of which \$250,000 shall be for a grant to the Rapid Response Program in Washington and Hancock Counties, Maine".

**SA 1547.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 9, before the period at the end, insert the following: " , of which \$100,000 shall be used by the Secretary of Commerce to conduct a study, and, not later than 1 year after the date of enactment of this Act, submit to the Committee on Environment and Public Works of the Senate a report, on the need for and the feasibility of establishing an eco-industrial grant program".

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Improving Women's

Health: Why Contraceptive Insurance Coverage Matters" during the session of the Senate on Monday, September 10, 2001, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPECIAL COMMITTEE ON AGING

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Monday, September 10, 2001, from 10 a.m.-12:30 p.m. in Dirksen 215 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND NUCLEAR SAFETY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation, Infrastructure, and Nuclear Safety be authorized to meet on Monday, September 10, 2001, at 3:30 p.m. to conduct a hearing on the Intelligent Transportation Systems Program. The hearing will be held in room SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the following staff be granted floor privileges during the consideration of H.R. 2500, the Commerce, Justice, State, and the Judiciary appropriations bill: Lila Helms, Luke Nachbar, Dereck Orr, Jill Shapiro Long, Jim Morhard, Kevin Linskey, Katherine Hennessey, Nancy Perkins, and Ashley Cooper.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. DORGAN. I ask unanimous consent that Mark Zaineddin, a legislative fellow of the Department of Commerce, be granted the privilege of the floor during debate on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY, SEPTEMBER 11, 2001

Mr. REID. Mr. President, I ask unanimous consent when the Senate completes its business today it adjourn until the hour of 10 a.m. on Tuesday, September 11. I further ask unanimous consent that on Tuesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Commerce, State, Justice Appropriations Act; further, that the Senate recess from 12:30 until 2:15 p.m. for our weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, on Tuesday, the Senate will convene at 10 a.m. and resume consideration of the Commerce, State, Justice act. We hope we can have a time certain for filing of amendments. We hope to complete the bill tomorrow. There will be rollcall votes throughout the day. The Senate will recess from 12:30 a.m. until 2:15 p.m. for our party conferences.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:38 p.m., adjourned until Tuesday, September 11, 2001, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 10, 2001:

##### THE JUDICIARY

THOMAS B. WELLS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM EXPIRING FIFTEEN YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

##### DEPARTMENT OF STATE

ROCKWELL A. SCHNABEL, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN UNION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY. JOHN STERN WOLF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (NON-PROLIFERATION), VICE ROBERT J. EINHORN.

##### AFRICAN DEVELOPMENT BANK

CYNTHIA SHEPARD PERRY, OF TEXAS, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE WILLENE A. JOHNSON, RESIGNED.

##### THE JUDICIARY

ROBERT E. BLACKBURN, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE ZITA L. WEINSHIENK, RETIRED.

DAVID C. BURY, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

CINDY K. JORGENSEN, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-116, APPROVED NOVEMBER 29, 1999.

MARCIA S. KRIEGER, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE DANIEL B. SPARR, RETIRED.

RICHARD J. LEON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE NORMA HOLLOWAY JOHNSON, RETIRED.

JAMES C. MAHAN, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

FREDERICK J. MARTONE, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE ROGER Z. STRAND, RETIRED.

JULIE A. ROBINSON, OF KANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE G. THOMAS VAN BEBER, RETIRED.

D. BROOKS SMITH, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE TIMOTHY K. LEWIS, RETIRED.

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIGADIER GENERAL RONALD J. BATH, 0000  
BRIGADIER GENERAL FREDERICK H. FORSTER, 0000  
BRIGADIER GENERAL JUAN A. GARCIA, 0000  
BRIGADIER GENERAL MICHAEL J. HAUGEN, 0000  
BRIGADIER GENERAL DANIEL JAMES III, 0000

BRIGADIER GENERAL STEVEN R. MCCAMY, 0000  
BRIGADIER GENERAL JERRY W. RAGSDALE, 0000  
BRIGADIER GENERAL WILLIAM N. SEARCY, 0000  
BRIGADIER GENERAL GILES E. VANDERHOOF, 0000

##### To be brigadier general

COLONEL HIGINIO S. CHAVEZ, 0000  
COLONEL BARRY K. COLN, 0000  
COLONEL ALAN L. COWLES, 0000  
COLONEL JAMES B. CRAWFORD III, 0000  
COLONEL MARIE T. FIELD, 0000  
COLONEL MANUEL A. GUZMAN, 0000  
COLONEL ROGER P. LEMPKE, 0000  
COLONEL GEORGE R. NIEMANN, 0000  
COLONEL FRANK PONTELANDOLFO JR., 0000  
COLONEL GENE L. RAMSAY, 0000  
COLONEL TERRY L. SCHERLING, 0000  
COLONEL DAVID A. SPRENKLE, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be brigadier general

COL. BRUCE H. BARLOW, 0000

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. JOHN W. BERGMAN, 0000  
BRIG. GEN. JOHN J. MCCARTHY JR., 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be admiral

VICE ADM. GREGORY G. JOHNSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

VICE ADM. SCOTT A. FRY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) RAND H. FISHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) RICHARD B. PORTERFIELD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral (lower half)

CAPT. STEPHEN A. TURCOTTE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral (lower half)

CAPT. RICHARD K. GALLAGHER, 0000  
CAPT. THOMAS J. KILCLINE JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### To be rear admiral

REAR ADM. (LH) DAVID ARCHITZEL, 0000  
REAR ADM. (LH) JOSE L. BETANCOURT, 0000  
REAR ADM. (LH) ANNETTE E. BROWN, 0000  
REAR ADM. (LH) BRIAN M. CALHOUN, 0000  
REAR ADM. (LH) KEVIN J. COSGRIFF, 0000  
REAR ADM. (LH) LEWIS W. CRENSHAW JR., 0000  
REAR ADM. (LH) TERRANCE T. ETNYRE, 0000  
REAR ADM. (LH) MARK P. FITZGERALD, 0000  
REAR ADM. (LH) JONATHAN W. GRENNERT, 0000  
REAR ADM. (LH) CURTIS A. KEMP, 0000  
REAR ADM. (LH) WALTER B. MASSENBURG, 0000  
REAR ADM. (LH) JAMES K. MORAN, 0000  
REAR ADM. (LH) CHARLES L. MUNNS, 0000  
REAR ADM. (LH) JAMES A. ROBB, 0000  
REAR ADM. (LH) JOSEPH A. SESTAK JR., 0000  
REAR ADM. (LH) STEVEN J. TOMASZEWSKI, 0000  
REAR ADM. (LH) JOHN W. TOWNES III, 0000  
REAR ADM. (LH) CHRISTOPHER E. WEAVER, 0000  
REAR ADM. (LH) CHARLES B. YOUNG, 0000  
REAR ADM. (LH) THOMAS E. ZELIBOR, 0000

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR